

B8 (4) DE 43 35 116 A1

B4 (5) WO 00/133 76 A1

In its filing of 04/29/2003, the applicant holds the view that the aforementioned publications (1) and (2) do not anticipate or render obvious the subject of claim 1.

Regarding the subject of the still valid claim 1, reference is made to the additional publication (4).

Publication (4) discloses a method for receiving data packets marked by identifiers in a network for real-time communication. The description, column 1, line 64 to column 2 line 8, states that the method disclosed in that document is designed for time critical data in real-time applications. The data packets transmitted there are marked with identifiers in the form of synchronization signals, which also mark the start of a transmitted data packet (see column 2, lines 57 to 64). In addition, the data network depicted in figure 1 is provided with redundant network paths, such that each node of the data network has at least a first and a second input port. A first data packet with an identifier is received at a first input port at a first timer value. In this connection, the description, column 3, lines 6 to 11, states that the data packet arriving first at an input port and identified by an associated synchronization mark (identifier) starts a timer and thus generates a first timer value. At the same time, the user data of this data packet are stored in a buffer. Furthermore, at a second (or additional) input port, a second data packet is received which is identified by the same synchronization mark (identifier) as the first data packet. This follows from the description, column 3, lines 6 to 17, since the data arriving at each input port are checked for the identifier and the data packets thus detected are stored. A second timer value at which the second data packet is received at a second input port is the result of the run time difference compared to the arrival of the first data packet at the first input port (start value of the counter).

Thus, the person skilled in the field of data transmission for time-critical applications already knew from publication (4) the basic features of a method for receiving data packets marked by identifiers within a redundantly configured data network. Only an address space that is assigned to the identifier and addresses the memory area of the user data transmitted with the data packet within the node is not explicitly described in publication (4). This and storing the timer value, however, can be easily carried out by one skilled in the art and does not require any inventive step.

Thus, claim 1 is not patentable because its subject does not recognizably involve an inventive step. For this reason alone, the dependent claims are not formally patentable.

The subjects of the co-ordinate claims 8, 10 and 12 correspond to the features of the method claimed in claim 1. Thus the arguments made in connection with claim 1 apply analogously.

Claims 8, 10 and 12 are thus not patentable for the reason stated in connection with claim 1. As a result, the dependent claims referencing them are also not formally patentable.

With respect to the prior art reference is further made to the additional publication (5).

The publication (5) known from the international search report for the present application also describes a redundant data network in which data packets provided with an identifier are redundantly transmitted. In particular, the description of the embodiment discussed on page 10, lines 7–27, states that the timer value, or the receiving instant of a redundantly received data packet, as well as the time difference relative to the receiving instant of the initially received data packet are stored.

It should further be noted that the Examining Section cannot concur with the view taken by the applicant in its filing with respect to the previously cited publication (3), since this publication also describes a node (see figure 4) in a data network (see figure 2) for time-critical data transmission. Figure 4 and the associated description in column 7, line 9 to column 8, line 20, show that the node has a plurality of input ports where the arriving data packets are provided with a timer value and are written into a memory. The description regarding the corresponding prior art in column 6, line 3 to 16, further shows that upon receipt of a data packet its identifier (address) is decoded. That paragraph also mentions the redundant transmission of the data packets.

If the applicant believes that the subject of the application still has features or steps significant enough to establish patentability, it is suggested that a new claim 1 be formulated whose subject (in the view of the applicant) distinguishes it over the prior art included in the method. A hearing is not considered appropriate at this point.

Based on the present documents, the application is likely to be rejected.

Examining Section for Class H 04L

Extension 3492

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